

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 APPLICATIONS IN INTERNET TIME,  
5 LLC,

6 Plaintiff,

7 v.

8 SALESFORCE, INC.,

9 Defendant.

Case No. 3:13-CV-00628-RCJ-CLB

**ORDER GRANTING MOTION TO STAY  
PRODUCTION OF DOCUMENTS  
RELATING TO THE COURT'S  
NOVEMBER 16, 2022 ORDER**

[ECF Nos. 341, 361, 364]

10 This case involves a patent infringement action filed by Plaintiff Application in  
11 Internet Time, LLC ("AIT") against Defendant Salesforce, Inc. ("Salesforce"). Currently  
12 pending before the Court are three motions related to the Court's November 16, 2022  
13 order with respect to Salesforce's motion to compel, (ECF No. 331):

- 14 (1) AIT's motion to stay production of documents pending the Court's ruling on  
15 objections to ECF No. 331, (ECF No. 341)<sup>1</sup>;
- 16 (2) Salesforce's motion to enforce ECF No. 331 and for sanctions, (ECF No. 361);  
17 and
- 18 (3) AIT's request for status conference, (ECF No. 364).

19 The Court will address the motions in turn.

20 With respect to AIT's motion to stay, AIT requests that the Court stay its November  
21 16, 2022 order, (ECF No. 331), partially granting Salesforce's motion to compel. (ECF  
22 No. 341.) In the order, the Court directed AIT to produce four specific documents after  
23 concluding AIT failed to meet its burden to establish that these documents are protected  
24 under the work product privilege. (ECF No. 331.) The Court also directed AIT to review  
25 of the additional documents it withheld from production based on the guidance the Court  
26 provided to the parties at the hearing and directed AIT to provide any documents that did

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28 <sup>1</sup> Salesforce responded to AIT's motion to stay discovery, (ECF No. 348), and AIT  
replied. (ECF No. 354.)

1 not appear to be privileged or properly withheld based on that guidance. (*Id.*) Finally, after  
2 the review was complete, the Court ordered the parties to meet and confer with respect  
3 to any outstanding issues with production in order to attempt to narrow the scope of the  
4 issues related to the documents withheld by AIT based on claims of privilege and work  
5 product protections. (*Id.*) The Court has thoroughly reviewed the filings related to AIT's  
6 motion to stay, and finds that the Court's November 16, 2022 order related to Salesforce's  
7 motion to compel should be stayed *in its entirety* pending the district court's decision on  
8 AIT's objection.

9 Although the Court disagrees with the many of the arguments made by AIT and  
10 disagrees that the order is clearly erroneous or contrary to law, the Court understands  
11 that reasonable minds can disagree, and the order could be overturned. If that occurs,  
12 requiring disclosure of any documents prior to the district court's opportunity to review  
13 AIT's objection may render AIT's arguments moot and could cause potential harm to AIT  
14 if the district court sustains the objection.

15 By contrast, Salesforce previously moved to stay this case in its entirety, (ECF No.  
16 348), and that motion remains outstanding. Therefore, it does not appear that Salesforce  
17 would suffer any significant prejudice or harm by a short stay of the Court's November  
18 16, 2022 order pending the district court's ruling on AIT's objection.

19 For these reasons, AIT's motion to stay, (ECF No. 341) is GRANTED and the Court  
20 stays its November 16, 2022 order related to Salesforce's motion to compel in its entirety  
21 pending resolution of the AIT's objection by the district court.

22 Based on the above, the Court DENIES Salesforce's motion to enforce the Court's  
23 November 16, 2022 order and request for sanctions, (ECF No. 361), and AIT's motion for  
24 a hearing, (ECF No. 364), as moot.

25 **IT IS SO ORDERED.**

26 **DATED:** December 29, 2022

27   
28 **UNITED STATES MAGISTRATE JUDGE**